

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

JAMES HORACE HAM, JR.,

DEBTORS.

**Case No.: BK-18-14482-JDL
Chapter 13**

OBJECTION TO MOTION FOR CONTINUATION OF AUTOMATIC STAY

Comes now the secured creditor, U.S. BANK NATIONAL ASSOCIATION (USB), by their attorneys, Baer & Timberlake, P.C., and hereby objects to the Motion for Continuation of Automatic Stay filed by Debtors (Doc 7). In support of this Objection, USB would show the Court as follows:

1. USB is the holder of a purchase money note and mortgage on the residence, ("mortgaged property") of Debtor. As of November 1, 2018, said note and mortgage has a total estimated outstanding balance of \$233,439.56 plus accruing interest along with reasonable attorney fees and for all costs of the action. Debtor has valued the subject property at \$210,000.00; therefore there is no equity in the property.

2. The bankruptcy case now before the Court (18-14482) is the 2nd case filed in this district in the past two and one-half years and the 3rd overall in the past 14 years:

a. 16-12423 – Chapter 13 case filed June 23, 2016 – dismissed for failure to make plan payments, dismissal effective January 23, 2018;

b. 04-13377 – Chapter 7 case filed March 30, 2004 and discharged July 22, 2004.

3. Debtors' Plan in this case (18-13817) provides for an arrearage of \$24,000.00, however the estimated arrears are \$45,362.44.

WHEREFORE, PREMISES CONSIDERED, secured creditor, USB, moves the Court to deny the Motion for Continuation of Automatic Stay filed by Debtors and/or to grant adequate protection or such other and further relief as may be entitled.

U.S. BANK NATIONAL ASSOCIATION,

By: s/ Matthew J. Hudspeth
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CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and correct copy of the above and foregoing Objection with postage thereon fully prepaid to the parties listed below on November 7, 2018.

James Horace Ham, Jr
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The following persons should have received notice of the above and foregoing instrument on the same day it was filed by the Court's CM/ECF Electronic Noticing System.

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